

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT MARTINSBURG**

**SEAN M. LYONS-PRICE,
Plaintiff,**

v.

**CIVIL ACTION NO. 3:05CV94
(JUDGE BROADWATER)**

**JO ANNE B. BARNHART,
Commissioner, Social Security
Administration,
Defendant.**

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day the above styled case came before the Court for consideration of the Report and Recommendation of Magistrate Judge James E. Seibert, dated June 7, 2006. The Defendant did not file objections to the Report and Recommendation.

The Court, after reviewing the above, is of the opinion that the Magistrate Judge's Report and Recommendation should be and is hereby **ORDERED** adopted. The Court, therefore, **ORDERS** that the Defendant's Motion to Dismiss (Document No. 8) be **DENIED**. It is further **ORDERED** that this action remain before the Magistrate Judge for further evaluation of the case and preparation of a Report and Recommendation for its disposition.

It is so **ORDERED**.

The Clerk is directed to transmit true copies of this Order to the Plaintiff and all counsel of record herein.

DATED this 15th day of November 2006.


**W. CRAIG BROADWATER
UNITED STATES DISTRICT JUDGE**